

**REMARKS**

Claims 1-6 are pending in this application. In the Office Action, Claims 1-6 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,359,987 to Tran et al. in view of U.S. Patent No. 6,449,371 to Tan et al.

In this Office Action, the Examiner states that “the features upon which applicant relies (i.e., whether the generated sense signal is high or low) are not recited in the rejected claims.” (Office Action, page 3.) To address the Examiner’s concern, Claims 1 and 5, which are the pending independent claims, have been so amended. No new subject matter is presented. It is believed that the Examiner has overlooked the distinction that neither cited reference generates, at the ear jack, one of the high or low level voltages for controlling the audio gain, as claimed in the pending application.

In addition, in response to the prior Office Action, it was pointed out that the present invention discloses a structure for distinguishing whether an earphone or an external speaker is connected according to whether the generated sense signal is high or low, which is not disclosed or suggested by the cited references. In response to the statement made by the Examiner in the most recent Office Action that high or low level voltages were not specifically recited in the claims, the independent claims have been amended to more specifically call out this distinction, placing the pending claims in condition for allowance.

Accordingly, the combination of Tran et al. and Tan et al. fails render the present invention unpatentable.

In view of the above, the pending claims, i.e. Claims 1-6, are believed to be in condition for allowance, and issuance of a notice of allowance is respectfully requested. If the Examiner has any questions regarding this communication, it is requested that the Examiner contact the undersigned at the number provided below.

PATENT  
Attorney Docket: 678-657 (P9453)

Respectfully submitted,



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